

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

OP.No. 14261 of 2001(W)

PETITIONER:

**VIJAYAN, S/O.KRISHNAN,
NANNIYODE, PERUMALLY VILLAGE,
CHITTOOR TALUK.**

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, PALAKKAD.**
- 2. THE TAHSILDAR, TALUK OFFICE,
CHITTOOR TALUK.**
- 3. THE VILLAGE OFFICER,
MUTTALAMADA I VILLAGE,
CHITTOOR TALUK.**

BY GOVERNMENT PLEADER SRI. SURARSHAN

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP. NO.22645/2001 IN OP. NO.14261/2001

DISMISSED

13.12.2006

SD/- C.N.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RECEIPT DT. 12.8.98.

EXT.P2:- COPY OF THE RECEIPT DT.10.9.98.

EXT.P3:- COPY OF THE LAWYER'S NOTICE DT. 6.11.99.

/TRUE COPY/

tss

C.N.RAMACHANDRAN NAIR, J.

.....
O.P. No.14261 of 2001
.....

Dated this the 13th day of December, 2006.

JUDGMENT

The Revenue Divisional Officer, Palakkad is impleaded as additional respondent.

2. Prayer in the O.P. is for direction to the respondents to issue sale certificate. The Tahsildar has reported that sale has to be confirmed by the R.D.O. and if sale is confirmed, then certificate of sale could be issued to the petitioner. However, it is seen from the counter affidavit that the defaulter's liability is Rs.1,44,427/- and two acres of land of the defaulter is sold to the petitioner for as low a sum as Rs.32,500/- which does not take care of even one third of the defaulted amount. In the circumstances and in view of the low amount quoted, it is for the RDO to take into account the interest of the State to confirm the sale or not. If sufficient publicity was not given for the sale, then the RDO will cancel the sale and order reauction. It would be open to the petitioner also to bid for the same. However, if sale is cancelled and property is resold, petitioner should be repaid the amount deposited together with interest at 12% per annum. The RDO, Palakkad is directed to call for the records and take a decision after hearing the

petitioner.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms